REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed December 17, 2004. In the Office Action, the Examiner notes that claims 1-18 are pending and rejected. By this response, claim 13 is amended.

In view of both the amendments presented above and the following discussion, the Applicant submits that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and 103.

It is to be understood that the Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to the Applicant's subject matter recited in the pending claims. Further, the Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Objections

The Examiner has objected to the language "the calendar software" in claim 13. In response, the Applicant has changed such language to "a calendar software" as suggested by the Examiner. Therefore, Applicant respectfully submits that the Examiner's objection is moot and should be withdrawn.

Rejections

35 U.S.C. §102

Claims 1-5, 17 and 18

The Examiner has rejected claims 1-5, 17 and 18 under 35 U.S.C. §102(3) as being anticipated by U.S. Patent Application 2002/0010925A1 to Kikinis. The Applicant respectfully traverses the rejection.

The Applicant's independent claims 1 and 17 recite:

> "1. A method for using a personal digital assistant to browse and select program listings, the method comprising:
> browsing one or more program listings to select a given program listing, the program listings presented on the personal digital assistant through the use of a local electronic program guide;

where a program corresponding to the given program listing is not being aired when selected, marking the given program for a reminder in the local electronic program guide;

synchronizing the reminder in the local electronic program guide with a remote electronic program guide running on a remote device."

"17. A method for using a personal digital assistant to browse and select program listings, the method comprising:

browsing one or more program listings to select a given program listing, the program listings presented by a remote electronic program guide;

where a program corresponding to the given program listing is not being aired when selected, marking the given program for a reminder in the remote electronic program guide;

synchronizing the reminder in the remote electronic program guide with a local electronic program guide running on a personal digital assistant."

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Kikinis reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

For example, Kikinis fails to disclose "synchronizing the reminder in the local electronic program guide with a remote electronic program guide running on a remote device". Kikinis fails to disclose any such synchronizing. The Examiner incorrectly equates connecting to the STB to program a selection with the claimed element. (Office Action, page 3, paragraph 2). Synchronizing is different than connecting to program a selection. In fact, this connecting to program a selection in Kikinis is not related in any way to a reminder; instead, it is related to a selection. (Kikinis, paragraphs 35, 36, 38-40). In addition, reminders are distinct from selections in Kikinis, because Kikinis states that the reminders are "preprogram reminders for viewing selections". (Kikinis, paragraph 30).

As such, the Applicant submits that independent claims 1 and 17 are not anticipated by Kikinis and, thus, fully satisfy the requirements of 35 U.S.C. §102 and are

patentable thereunder. Furthermore, claims 2-5 and 18 depend, either directly or indirectly, from independent claims 1 and 17 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicant submits that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, the Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103

Claims 8, 9 and 14-16

The Examiner has rejected claims 8, 9 and 14-16 under 35 U.S.C. §103(a) as being unpatentable Kikinis. The Applicant respectfully traverses the rejection.

Applicant's independent claim 8 recites:

> "8. A system for using a personal digital assistant to browse and select program listings, the system comprising:
> a program listing server to distribute program guide data over a distribution network;
> a mobile computing device storing a local electronic program guide, the mobile computing device operative to receive the program guide data, which is presented by the local electronic program guide, the local program guide further operative to receive input to set a recording mark or a future program reminder; and
> a remote electronic program guide operative to synchronize the recording mark or future program reminder set on the local program guide."

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Kikinis reference fails to teach or suggest the Applicant's invention as a whole.

As discussed above, the Kikinis reference fails to teach or suggest a remote electronic program guide operative to synchronize the recording mark or future program reminder set on the local program guide.

As such, the Applicant submits that independent claim 8 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claims 9 and 14-16 depend, either directly or indirectly, from independent claim 8 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicant submits that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicant respectfully requests that the Examiner's rejection be withdrawn.

Claims 6, 7, 10 and 11

The Examiner has rejected claims 6, 7, 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Kikinis in view of U.S. Patent Application 2002/0133821 to Shteyn The Applicant respectfully traverses the rejection.

In addition, Shteyn fails to teach or suggest marking the given program for a reminder in a calendar application on the personal digital assistant as in claim 6. Shteyn discloses a GUI having a single overview 114 the user's planned activities as specified by data 104 from the user's activity calendar, as well as the electronic content information scheduled to be made (conditionally) available in the remaining time slots. (Shteyn, paragraph 17). The user interacts with the GUI to select a preferred one of the alternatives listed. (Shteyn, paragraph 21). Shteyn does not disclose the claimed reminder in a calendar, because the provided alternatives in the schedule are not the same as reminders. There are no alternatives for the claimed reminders and the claimed reminder is a reminder of something already selected and scheduled by the user. Therefore, claim 6 is patentable over the combination of Kikinis and Shteyn.

As such, the Applicant submits that independent claims 1 and 8 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable over the cited references. Furthermore, claims 6, 7, 10 and 11 depend, either directly or indirectly, from independent claims 1 and 8 and recite additional features thereof. Furthermore,

the Shteyn reference does not bridge the substantial gap between the Kikinis reference and the Applicant's invention. As such and at least for the same reasons as discussed above, the Applicant submits that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicant respectfully requests that the Examiner's rejection be withdrawn.

Claims 12 and 13

The Examiner has rejected claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Kikinis in view of U.S. Patent 5,699,107 to Lawler (hereinafter "Lawler").

For at least the reasons set forth above, the Applicant submits that independent claim 8 is not obvious in view of Kikinis. Claims 12 and 13 are dependent directly or indirectly upon claim 8 and therefore for at least the same reasons such claims are not obvious in view of Kikinis. Furthermore, the Lawler reference does not bridge the substantial gap between the Kikinis reference and the Applicant's invention. As such and at least for the same reasons as discussed above, the Applicant submits that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicant respectfully requests that the Examiner's rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the Office Action. Therefore, the Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

CONCLUSION

Thus, the Applicant submits that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103.

Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 3/17/05

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